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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 VICTOR MANUEL CORTES-
12 YANEZ,

13 Petitioner,

14 v.

15 UNITED STATES OF AMERICA,

16 Respondent.
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CASE NO: 13-CV-0222 W
12-CR-3500 W-1

18 **ORDER DENYING**
19 **PETITION FOR WRIT OF**
20 **HABEAS CORPUS [DOC. 27]**
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23 On, January 25, 2013, Petitioner filed a Petition for Writ of Habeas Corpus
24 pursuant to 28 U.S.C. § 2255 ("Petition."). [Doc. 27.] As a matter of course, the Court
25 issued a briefing schedule requiring Respondent to file an answer by April 25, 2013.
26 [Doc. 29.] Upon further review, the Court finds it lacks jurisdiction to consider the
27 Petition.
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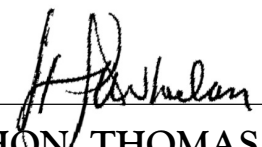
23 The record establishes that on or about September 11, 2012, Petitioner entered
24 into a fast-track Plea Agreement, and waived both his right to appeal and collaterally
25 attack his conviction and sentence. (*Plea Agreement* [Doc. 16]¶ 11.) The Petition does
26 not raise any challenge to the validity of that waiver. Additionally, having reviewed the
27 Plea Agreement and transcript, the Court finds that Petitioner knowingly and
28 voluntarily waived his right to appeal and collaterally attack his sentence. This Court,

1 therefore, lacks jurisdiction to consider any collateral challenge to his conviction and
2 sentence. See Washington v. Lampert, 422 F.3d 864 F.3d 864, 869–70 (9th Cir. 2005)
3 (recognizing that if sentencing stipulation’s waiver of the right to file a federal habeas
4 petition was valid, district court lacked jurisdiction to hear the case).

5 Accordingly, the Court **DENIES** the Petition [Doc. 27].

6 **IT IS SO ORDERED.**

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8 **DATED: April 15, 2013**

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11 **HON. THOMAS J. WHELAN**
12 United States District Judge
13 Southern District of California
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